

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO'S COMPREHENSIVE ZONING ORDINANCE NO. 00-11-01 AND REPEALING CITY OF FRISCO ORDINANCE NO. 06-08-90; REZONING A TRACT OF LAND CONSISTING OF 108.1 ACRES, MORE OR LESS, SITUATED IN THE ANDREW YOUNG SURVEY, ABSTRACT NO. 1037 CITY OF FRISCO, COLLIN COUNTY, TEXAS HERETOFORE ZONED PLANNED DEVELOPMENT-201-SINGLE FAMILY-3/SINGLE FAMILY-4/SINGLE FAMILY-5 (PD-201-SF-3/SF-4/SF-5) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-201-SINGLE FAMILY-3/SINGLE FAMILY-4/SINGLE FAMILY-5 (PD-201-SF-3/SF-4/SF-5); DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas (the "City Council") has investigated and determined that the Comprehensive Zoning Ordinance No. 00-11-01 should be amended; and

WHEREAS, the City of Frisco, Texas ("Frisco") has received a request from Mady Development Corporation (the "Applicant") to rezone 108.1 acres of land, more or less, situated in the Andrew Young Survey, Abstract No. 1037 in the City of Frisco, Collin County, Texas; and

WHEREAS, the City Council has investigated into and determined that the facts contained in the request are true and correct; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law, and public hearings have been held on the proposed rezoning and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the City Council has further investigated into and determined that it will be advantageous and beneficial to Frisco and its inhabitants to rezone this property as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Repeal of Ordinance No. 06-08-90. Ordinance No. 06-08-90 is hereby repealed in its entirety. The effective date of the repeal discussed in this Section shall not occur until the effective date of this Ordinance at which time Ordinance No. 06-08-90 shall be repealed. Such repeal shall not abate any pending prosecution and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of Ordinance No. 06-08-90 occurring before the effective date of this Ordinance.

SECTION 3: Amendments to Comprehensive Zoning Ordinance No. 00-11-01. Comprehensive Zoning Ordinance No. 00-11-01 is amended as follows: The zoning designation of the below-described property containing 108.1 acres of land, more or less, situated in the Andrew Young Survey, Abstract No. 1037 in the City of Frisco, Collin County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto are hereby rezoned as Planned Development-201-Single Family3/Single Family-4/Single Family-5. The Property, as a whole, and the boundaries are more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes as if set forth verbatim. The general location of the Property is depicted on Exhibit "A-1", attached hereto.

The development plans, standards, uses and schedules for the Property in this Planned Development District shall conform to, and comply with, 1) the statement of intent and purpose, attached hereto Exhibit "B"; 2) the planned development standards, attached hereto as Exhibit "C"; 3) the zoning plan attached hereto as Exhibit "D;" 4) the East/West Open Space Plan attached hereto as Exhibit "E", 5) the Entry Bridge Detail attached hereto as Exhibit "F", and the planting details, attached hereto as Exhibit "G". Exhibits "B", "C", "D", "E", "F", and "G" are incorporated herein for all purposes as if set forth verbatim. Except as amended by this Ordinance, the development of the Property

within this Planned Development District must comply with the requirements of all ordinances, rules and regulations of Frisco, as they currently exist or may be amended.

Three original, official and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

- a. Two (2) copies shall be filed with the City Secretary and retained as the original records and shall not be changed in any manner.
- b. One (1) copy shall be filed with the building inspector and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation, issuing building permits, certificates of compliance and occupancy and enforcing the zoning ordinance. Reproduction for information purposes may from time-to-time be made of the official zoning district map.

Written notice of any amendment to this Planned Development District shall be sent to all property owners within two hundred (200) feet of the specific area to be amended.

SECTION 4: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the City Council in the manner provided for by law.

SECTION 5: Unlawful Use of Premises. It shall be unlawful for any person, firm, entity or corporation to make use of said premises in some manner other than as authorized by this Ordinance and it shall be unlawful for any person, firm, entity or corporation to construct on said premises any building that is not in conformity with the permissible uses under this Zoning Ordinance.

SECTION 6: Penalty. Any person, firm, corporation or entity violating this Ordinance, any provision of Frisco's Comprehensive Zoning Ordinance No. 00-11-01, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing days' violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude

Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 7: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 8: Savings/Repealing Clause. Frisco's Comprehensive Zoning Ordinance No. 00-11-01 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 9: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law and the Charter of Frisco.

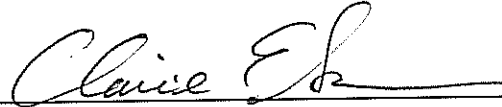
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this ____ day of _____, 2009.

MAHER MASO, Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:

RON PATTERSON
Interim City Secretary

APPROVED AS TO FORM:



ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.
CLAIRE E. SWANN, City Attorneys

DATES OF PUBLICATION: _____, Frisco Enterprise

EXHIBIT "A"
PROPERTY DESCRIPTION
ENTIRE TRACT

BEING a 108.160 acre tract of land situated in the Andrew Young Survey, Abstract No. 1037, Collin County, Texas and being all of that called 39.565 acre tract of land described in deed to MDC-Winding Creek Estates, Ltd., recorded in document number 20060616000827620, Deed Records, Collin County, Texas (DRCCT), being all of that called 68.599 acre tract of land described in deed to MDC-Winding Creek Estates, Ltd., recorded in document number 20060616000827610, DRCCT, and being more particularly described as follows:

BEGINNING at a 1/2" rebar found in the west line of Custer Road (F.M. 2478 - R.O.W. varies), being the southeast corner of Russwood Acres, an addition to Collin County, Texas as recorded in Cabinet A, Slide 88, Plat Records, Collin County, Texas (PRCCT), the northeast corner of said called 39.565 acre tract, and the northwest corner of a tract of land as described in deed to the State of Texas, recorded in Volume 553, Page 210, DRCCT;

THENCE along the west line of said Custer Road as set out in Volume 553, Page 210, Volume 553, Page 186, and Volume 553, Page 233, DRCCT, and the east line of said called 39.565 acre tract and said called 68.599 acre tract, as follows:

S 02 13'59" E, at a distance of 658.05 feet (MDC Deed 658.54 feet) passing a 1/2" rebar found at the southeast corner of said called 39.565 acre tract and the northeast corner of said called 68.599 acre tract, said point being 0.2 feet to the east of line, continuing a total distance of 1371.31 feet (State Deeds 1371.2 feet) to the point of curvature of a curve to the right, having a radius of 11414.20 feet;

Southeasterly, along said curve, having a central angle of 02 25'00", an arc distance of 481.44 feet (State Deed 481.5 feet) and a chord that bears S 01 01'29" E, 481.40 feet to a 1/2" rebar found at the point of tangency;

S 00 11'01" W, a distance of 714.59 feet to the southeast corner of the herein described tract of land and the northeast corner of a tract of land as described in deed to Cliff C. Henderson, recorded in document number 94-0024047, DRCCT, from which a 3/8" rebar found bears S 00 14'51" E, 666.77 feet (Henderson Deed 666.59 feet);

THENCE S 89 56'49" W, departing the west line of said Custer Road, along the south line of said called 68.599 acre tract and the north line of said Henderson tract, a distance of 966.87 feet (MDC Deed 968.09 feet, Henderson Deed 965.2 feet) to the southwest corner of the herein described tract of land and the northwest corner of said Henderson tract, said point lying in the east line of Frisco Heights - Phase 1, an addition to the City of Frisco, Collin County, Texas as recorded in Cabinet O, Slide 113, PRCCT, from which a 1/2" rebar found bears S 01 07'34" E, 743.39 feet (Henderson Deed 742.98 feet);

THENCE N 00 56'50" W, along a reentrant line of said called 68.599 acre tract and the east line of said Frisco Heights - Phase 1, at a distance of 72.24 feet passing a 5/8" rebar found, at a distance of 384.82 feet passing a 1/2" rebar capped found at the northeast corner of said Frisco Heights - Phase 1, being the southeast corner of Frisco Heights - Phase 2, an addition to the City of Frisco, Collin County, Texas as recorded in Cabinet O, Slide 471, PRCCT, continuing a total

distance of 1228.23 feet to a 5/8" rebar found at the northeast corner of said Frisco Heights - Phase 2 and a reentrant corner of said called 68.599 acre tract;

THENCE S 89 23'38" W, along a reentrant line of said called 68.599 acre tract and the north line of said Frisco Heights - Phase 2, a distance of 1668.68 feet (MDC Deed 1668.49 feet, Plat 1669.08 feet) to 1/2" rebar capped found at the west southwest corner of said called 68.599 acre tract, the northwest corner of said Frisco Heights - Phase 2, the northeast corner of Stonelake Estates West, an addition to the City of Frisco, Collin County, Texas as recorded in Cabinet P, Slide 464, PRCCT, and the southeast corner of Eagle's Nest at Westridge, Phase 1-C & 3, an addition to the City of McKinney, Collin County, Texas as recorded in Cabinet O, Slide 572, PRCCT, from which a cut "x" in concrete found at the intersection of the centerline of Abraham Lincoln Drive (50' R.O.W. per Cabinet P, Slide 464, PRCCT), with the north line of said Stonelake Estates West bears S 89 13'00" W, 681.51 feet (Plat 681.17 feet);

THENCE N 00 35'52" W, along the west line of said called 68.599 acre tract and the east line of said Eagle's Nest at Westridge, Phase 1-C & 3, a distance of 680.71 feet (MDC Deed 680.89 feet, Plat 680.76 feet) to a 1/2" rebar found at the northwest corner of said called 68.599 acre tract, the southwest corner of said called 39.565 acre tract, and an angle point in the east line of said Eagle's Nest at Westridge, Phase 1-C & 3;

THENCE N 00 36'22" W, along the west line of said called 39.565 acre tract and the east line of said Eagle's Nest at Westridge, Phase 1-C & 3, a distance of 657.79 feet (MDC Deed 657.69 feet, Plat 657.82 feet) to a 1/2" rebar found at the northwest corner of said called 39.565 acre tract;

THENCE N 89 35'59" E, along the north line of said called 39.565 acre tract and the south line of aforementioned Russwood Acres, at a distance of 1037.22 feet passing a 1/2" rebar found, said point being 0.3 feet to the north of line, continuing a total distance of 2610.14 feet (MDC Deed 2609.98 feet, Plat 2612.0 feet) to the POINT OF BEGINNING and containing 108.160 acres of land.

EXHIBIT "A"
PROPERTY DESCRIPTION
SINGLE FAMILY-5 TRACT

BEING a 52.941 acre tract of land situated in the Andrew Young Survey, Abstract No. 1037, Collin County, Texas and being a portion of that called 39.565 acre tract of land described in deed to MDC-Winding Creek Estates, Ltd., recorded in document number 20060616000827620, Deed Records, Collin County, Texas (DRCCT), being a portion of that called 68.599 acre tract of land described in deed to MDC-Winding Creek Estates, Ltd., recorded in document number 20060616000827610, DRCCT, and being more particularly described as follows:

BEGINNING at a 1/2" rebar found in the west line of Custer Road (F.M. 2478 - R.O.W. varies), being the southeast corner of Russwood Acres, an addition to Collin County, Texas as recorded in Cabinet A, Slide 88, Plat Records, Collin County, Texas (PRCCT), the northeast corner of said called 39.565 acre tract, and the northwest corner of a tract of land as described in deed to the State of Texas, recorded in Volume 553, Page 210, DRCCT;

THENCE along the west line of said Custer Road as set out in Volume 553, Page 210, Volume 553, Page 186, and Volume 553, Page 233, DRCCT, and the east line of said called 39.565 acre tract and said called 68.599 acre tract, as follows:

S 02 13'59" E, at a distance of 658.05 feet (MDC Deed 658.54 feet) passing a 1/2" rebar found at the southeast corner of said called 39.565 acre tract and the northeast corner of said called 68.599 acre tract, said point being 0.2 feet to the east of line, continuing a total distance of 1371.31 feet (State Deeds 1371.2 feet) to the point of curvature of a curve to the right, having a radius of 11414.20 feet;

Southeasterly, along said curve, having a central angle of 02 25'00", an arc distance of 481.44 feet (State Deed 481.5 feet) and a chord that bears S 01 01'29" E, 481.40 feet to a 1/2" rebar found at the point of tangency;

S 00 11'01" W, a distance of 714.59 feet to the southeast corner of the herein described tract of land and the northeast corner of a tract of land as described in deed to Cliff C. Henderson, recorded in document number 94-0024047, DRCCT, from which a 3/8" rebar found bears S 00 14'51" E, 666.77 feet (Henderson Deed 666.59 feet);

THENCE S 89 56'49" W, departing the west line of said Custer Road, along the south line of said called 68.599 acre tract and the north line of said Henderson tract, a distance of 397.47 feet to the south southwest corner of the herein described tract of land, from which the northwest corner of said Henderson tract bears S 89 56'49" W, 569.40 feet;

THENCE departing the north line of said Henderson tract, traversing said called 68.599 acre tract and said called 39.565 acre tract, as follows:

N 00 03'11" W, a distance of 134.74 feet to the beginning of a tangent curve to the left, having a radius of 205.00 feet;

Northwesterly, along said curve, having a central angle of 48 49'41", an arc distance of 174.70 feet and a chord that bears N 24 28'02" W, 169.46 feet;

N 48 52'53" W, tangent to said curve, a distance of 14.16 feet;

S 41 07'07" W, a distance of 75.97 feet to the beginning of a tangent curve to the right, having a radius of 250.00 feet;

Southwesterly, along said curve, having a central angle of 34 44'01", an arc distance of 151.55 feet and a chord that bears S 58 29'08" W, 149.24 feet;

S 75 51'08" W, tangent to said curve, a distance of 137.01 feet;

N 14 08'52" W, a distance of 57.71 feet to the beginning of a tangent curve to the right, having a radius of 250.00 feet;

Northwesterly, along said curve, having a central angle of 13 12'02", an arc distance of 57.60 feet and a chord that bears N 07 32'51" W, 57.47 feet;

N 00 56'50" W, tangent to said curve, a distance of 1038.00 feet;

N 89 22'12" E, a distance of 76.09 feet;

N 41 07'52" E, a distance of 173.93 feet;

N 49 18'01" W, a distance of 11.06 feet;

N 34 33'13" E, a distance of 88.40 feet to the beginning of a tangent curve to the right, having a radius of 849.00 feet;

Northeasterly, along said curve, having a central angle of 11 54'29", an arc distance of 176.45 feet and a chord that bears N 40 30'28" E, 176.14 feet;

N 46 27'43" E, tangent to said curve, a distance of 29.67 feet to the beginning of a tangent curve to the right, having a radius of 250.00 feet;

Northeasterly, along said curve, having a central angle of 20 06'57", an arc distance of 87.77 feet and a chord that bears N 56 31'11" E, 87.32 feet;

N 66 34'40" E, tangent to said curve, a distance of 129.91 feet;

N 02 15'03" W, a distance of 239.30 feet;

N 65 26'25" W, a distance of 242.36 feet to the beginning of a non tangent curve to the right, having a radius point that bears N 68 05'32" W, 472.80 feet;

Southwesterly, along said curve, having a central angle of 24 33'15", an arc distance of 202.62 feet and a chord that bears S 34 11'05" W, 201.07 feet;

S 46 27'43" W, tangent to said curve, a distance of 108.65 feet to the beginning of a tangent curve to the left, having a radius of 1151.00 feet;

Southwesterly, along said curve, having a central angle of 11 54'29", an arc distance of 239.22 feet and a chord that bears S 40 30'28" W, 238.79 feet;

S 34 33'13" W, tangent to said curve, a distance of 104.45 feet;

S 20 55'44" W, 151.58 feet to the beginning of a non tangent curve to the left, having a radius point that bears S 15 47'23" W, 600.00 feet;

Southwesterly, along said curve, having a central angle of 33 34'15", an arc distance of 351.55 feet and a chord that bears S 89 00'16" W, 346.55 feet;

S 72 13'08" W, tangent to said curve, a distance of 141.12 feet;

N 17 46'52" W, a distance of 35.29 feet to the beginning of a tangent curve to the right, having a radius of 250.00 feet;

Northwesterly, along said curve, having and a central angle of 17 22'50", an arc distance of 75.84 feet and a chord that bears N 09 05'27" W, 75.55 feet;

N 00 24'01" W, tangent to said curve, a distance of 927.85 feet;

S 69 14'42" E, a distance of 154.62 feet;

N 00 24'01" W, a distance of 11.22 feet;

N 89 35'59" E, a distance of 656.93 feet;

N 00 24'01" W, a distance of 178.47 feet to a point in the north line of said called 39.565 acre tract and the south line of aforementioned Russwood Acres, from which a 1/2" rebar found at the northwest corner of said called 39.565 acre tract bears S 89 35'59" W, 2002.80 feet;

THENCE N 89 35'59" E, along the north line of said called 39.565 acre tract and the south line of said Russwood Acres, a distance of 607.34 feet to the POINT OF BEGINNING and containing 52.941 acres of land.

EXHIBIT "A"
PROPERTY DESCRIPTION
SINGLE FAMILY-4 TRACT

BEING a 48.638 acre tract of land situated in the Andrew Young Survey, Abstract No. 1037, Collin County, Texas and being a portion of that called 39.565 acre tract of land described in deed to MDC-Winding Creek Estates, Ltd., recorded in document number 20060616000827620, Deed Records, Collin County, Texas (DRCCT), being a portion of that called 68.599 acre tract of land described in deed to MDC-Winding Creek Estates, Ltd., recorded in document number 20060616000827610, DRCCT, and being more particularly described as follows:

COMMENCING at a 1/2" rebar found in the west line of Custer Road (F.M. 2478 - R.O.W. varies), being the southeast corner of Russwood Acres, an addition to Collin County, Texas as recorded in Cabinet A, Slide 88, Plat Records, Collin County, Texas (PRCCT), the northeast corner of said called 39.565 acre tract, and the northwest corner of a tract of land as described in deed to the State of Texas, recorded in Volume 553, Page 210, DRCCT;

THENCE S 89 35'59" W, departing the west line of said Custer Road, along the north line of said called 39.565 acre tract and the south line of said Russwood Acres, a distance of 607.34 feet to the POINT OF BEGINNING of the herein described tract of land;

THENCE departing the south line of said Russwood Acres, traversing said called 39.565 acre tract and said called 68.599 acre tract, as follows:

S 00 24'01" E, a distance of 178.47 feet;

S 89 35'59" W, a distance of 656.93 feet;

S 00 24'01" E, a distance of 11.22 feet;

N 69 14'42" W, a distance of 154.62 feet

S 00 24'01" E, a distance of 927.85 feet to the beginning of tangent curve to the left, having a radius of 250.00 feet;

Southeasterly, along said curve, having a central angle of 17 22'50", an arc distance of 75.84 feet and a chord that bears S 09 05'27" E, 75.55 feet;

S 17 46'52" E, tangent to said curve, a distance of 35.29 feet;

N 72 13'08" E, a distance of 141.12 feet to the beginning of a tangent curve to the right, having a radius of 600.00 feet;

Northeasterly, along said curve, having a central angle of 33 34'15", an arc distance of 351.55 feet and a chord that bears N 89 00'16" E, 346.55 feet;

N 20 55'44" E, non tangent to said curve, a distance of 151.58 feet;

N 34 33'13" E, a distance of 104.45 feet to the beginning of a tangent curve to the right, having a radius of 1151.00 feet;

Northeasterly, along said curve, having a central angle of 11 54'29", an arc distance of 239.22 feet and a chord that bears N 40 30'28" E, 238.79 feet;

N 46 27'43" E, tangent to said curve, a distance of 108.65 feet to the beginning of a tangent curve to the left, having a radius of 472.80 feet;

Northeasterly, along said curve, having a central angle of 24 33'15", an arc distance of 202.62 feet and a chord that bears N 34 11'05" E, 201.07 feet;

S 65 26'25" E, non tangent to said curve, a distance of 242.36 feet;

S 02 15'03" E, a distance of 239.30 feet;

S 66 34'40" W, a distance of 129.91 feet to the beginning of a tangent curve to the left, having a radius of 250.00 feet;

Southwesterly, along said curve, having a central angle of 20 06'57", an arc distance of 87.77 feet and a chord that bears S 56 31'11" W, 87.32 feet;

S 46 27'43" W, tangent to said curve, a distance of 29.67 feet to the beginning of a tangent curve to the left, having a radius of 849.00 feet;

Southwesterly, along said curve, having a central angle of 11 54'29", an arc distance of 176.45 feet and a chord that bears S 40 30'28" W, 176.14 feet;

S 34 33'13" W, tangent to said curve, a distance of 88.40 feet;

S 49 18'01" E, a distance of 11.06 feet;

S 41 07'52" W, a distance of 173.93 feet;

S 89 22'12" W, a distance of 236.81 feet;

S 00 56'50" E, a distance of 51.07 feet to a 5/8" rebar found at a reentrant corner of said called 68.599 acre tract and the northeast of Frisco Heights - Phase 2, an addition to the City of Frisco, Collin County, Texas as recorded in Cabinet O, Slide 471, PRCCT;

THENCE S 89 23'38" W, along a reentrant line of said called 68.599 acre tract and the north line of said Frisco Heights - Phase 2, a distance of 1668.68 feet (MDC Deed 1668.49 feet, Plat 1669.08 feet) to 1/2" rebar capped found at the west southwest corner of said called 68.599 acre tract, the northwest corner of said Frisco Heights - Phase 2, the northeast corner of Stonelake Estates West, an addition to the City of Frisco, Collin County, Texas as recorded in Cabinet P, Slide 464, PRCCT, and the southeast corner of Eagle's Nest at Westridge, Phase 1-C & 3, an addition to the City of McKinney, Collin County, Texas as recorded in Cabinet O, Slide 572, PRCCT, from which a cut "x" in concrete found at the intersection of the centerline of Abraham Lincoln Drive (50' R.O.W. per Cabinet P, Slide 464, PRCCT), with the north line of said Stonelake Estates West bears S 89 13'00" W, 681.51 feet (Plat 681.17 feet);

THENCE N 00 35'52" W, along the west line of said called 68.599 acre tract and the east line of said Eagle's Nest at Westridge, Phase 1-C & 3, a distance of 680.71 feet (MDC Deed 680.89 feet, Plat 680.76 feet) to a 1/2" rebar found at the northwest corner of said called 68.599 acre

tract, the southwest corner of said called 39.565 acre tract, and an angle point in the east line of said Eagle's Nest at Westridge, Phase 1-C & 3;

THENCE N 00 36'22" W, along the west line of said called 39.565 acre tract and the east line of said Eagle's Nest at Westridge, Phase 1-C & 3, a distance of 657.79 feet (MDC Deed 657.69 feet, Plat 657.82 feet) to a 1/2" rebar found at the northwest corner of said called 39.565 acre tract;

THENCE N 89 35'59" E, along the north line of said called 39.565 acre tract and the south line of aforementioned Russwood Acres, at a distance of 1037.22 feet passing a 1/2" rebar found, said point being 0.3 feet to the north of line, continuing a total distance of 2002.80 feet to the POINT OF BEGINNING and containing 48.638 acres of land.

EXHIBIT "A"
PROPERTY DESCRIPTION
SINGLE FAMILY-3 TRACT

BEING a 6.581 acre tract of land situated in the Andrew Young Survey, Abstract No. 1037, Collin County, Texas and being a portion of that called 68.599 acre tract of land described in deed to MDC-Winding Creek Estates, Ltd., recorded in document number 20060616000827610, Deed Records, Collin County, Texas (DRCCT), and being more particularly described as follows:

COMMENCING at a 1/2" rebar found in the west line of Custer Road (F.M. 2478 - R.O.W. varies), being the southeast corner of Russwood Acres, an addition to Collin County, Texas as recorded in Cabinet A, Slide 88, Plat Records, Collin County, Texas (PRCCT), the northeast corner of a called 39.565 acre tract of land described in deed to MDC-Winding Creek Estates, Ltd., recorded in document number 20060616000827620, DRCCT, and the northwest corner of a tract of land as described in deed to the State of Texas, recorded in Volume 553, Page 210, DRCCT;

THENCE along the west line of said Custer Road as set out in Volume 553, Page 210, Volume 553, Page 186, and Volume 553, Page 233, DRCCT, and the east line of said called 39.565 acre tract and said called 68.599 acre tract, as follows:

S 02 13'59" E, at a distance of 658.05 feet (MDC Deed 658.54 feet) passing a 1/2" rebar found at the southeast corner of said called 39.565 acre tract and the northeast corner of said called 68.599 acre tract, said point being 0.2 feet to the east of line, continuing a total distance of 1371.31 feet (State Deeds 1371.2 feet) to the point of curvature of a curve to the right, having a radius of 11414.20 feet;

Southeasterly, along said curve, having a central angle of 02 25'00", an arc distance of 481.44 feet (State Deed 481.5 feet) and a chord that bears S 01 01'29" E, 481.40 feet to a 1/2" rebar found at the point of tangency;

S 00 11'01" W, a distance of 714.59 feet to the northeast corner of a tract of land as described in deed to Cliff C. Henderson, recorded in document number 94-0024047, DRCCT, from which a 3/8" rebar found bears S 00 14'51" E, 666.77 feet (Henderson Deed 666.59 feet);

THENCE S 89 56'49" W, departing the west line of said Custer Road, along the south line of said called 68.599 acre tract and the north line of said Henderson tract, a distance of 397.47 feet to the POINT OF BEGINNING of the herein described tract of land;

THENCE S 89 56'49" W, continuing along the south line of said called 68.599 acre tract and the north line of said Henderson tract, a distance of 569.40 feet to the southwest corner of the herein described tract of land and the northwest corner of said Henderson tract, said point lying in the east line of Frisco Heights - Phase 1, an addition to the City of Frisco, Collin County, Texas as recorded in Cabinet O, Slide 113, PRCCT, from which a 1/2" rebar found bears S 01 07'34" E, 743.39 feet (Henderson Deed 742.98 feet);

THENCE N 00 56'50" W, along a reentrant line of said called 68.599 acre tract and the east line of said Frisco Heights - Phase 1, at a distance of 72.24 feet passing a 5/8" rebar found, at a distance of 384.82 feet passing a 1/2" rebar capped found at the northeast corner of said Frisco

Heights - Phase 1, being the southeast corner of Frisco Heights - Phase 2, an addition to the City of Frisco, Collin County, Texas as recorded in Cabinet O, Slide 471, PRCCT, at a distance of 1228.23 feet passing a 5/8" rebar found at the northeast corner of said Frisco Heights - Phase 2 and a reentrant corner of said called 68.599 acre tract, thereafter traversing said called 68.599 acre tract, continuing a total distance of 1279.30 feet;

THENCE traversing said called 68.599 acre tract, as follows:

N 89 22'12" E, a distance of 160.72 feet;

S 00 56'50" E, a distance of 1038.00 feet to the beginning of a tangent curve to the left, having a radius of 250.00 feet;

Southeasterly, along said curve, having a central angle of 13 12'02", an arc distance of 57.60 feet and a chord that bears S 07 32'51" E, 57.47 feet;

S 14 08'52" E, tangent to said curve, a distance of 57.71 feet;

N 75 51'08" E, a distance of 137.01 feet to the beginning of a tangent curve to the left, having a radius of 250.00 feet;

Northeasterly, along said curve, having a central angle of 34 44'01", an arc distance of 151.55 feet and a chord that bears N 58 29'08" E, 149.24 feet;

N 41 07'07" E, tangent to said curve, a distance of 75.97 feet;

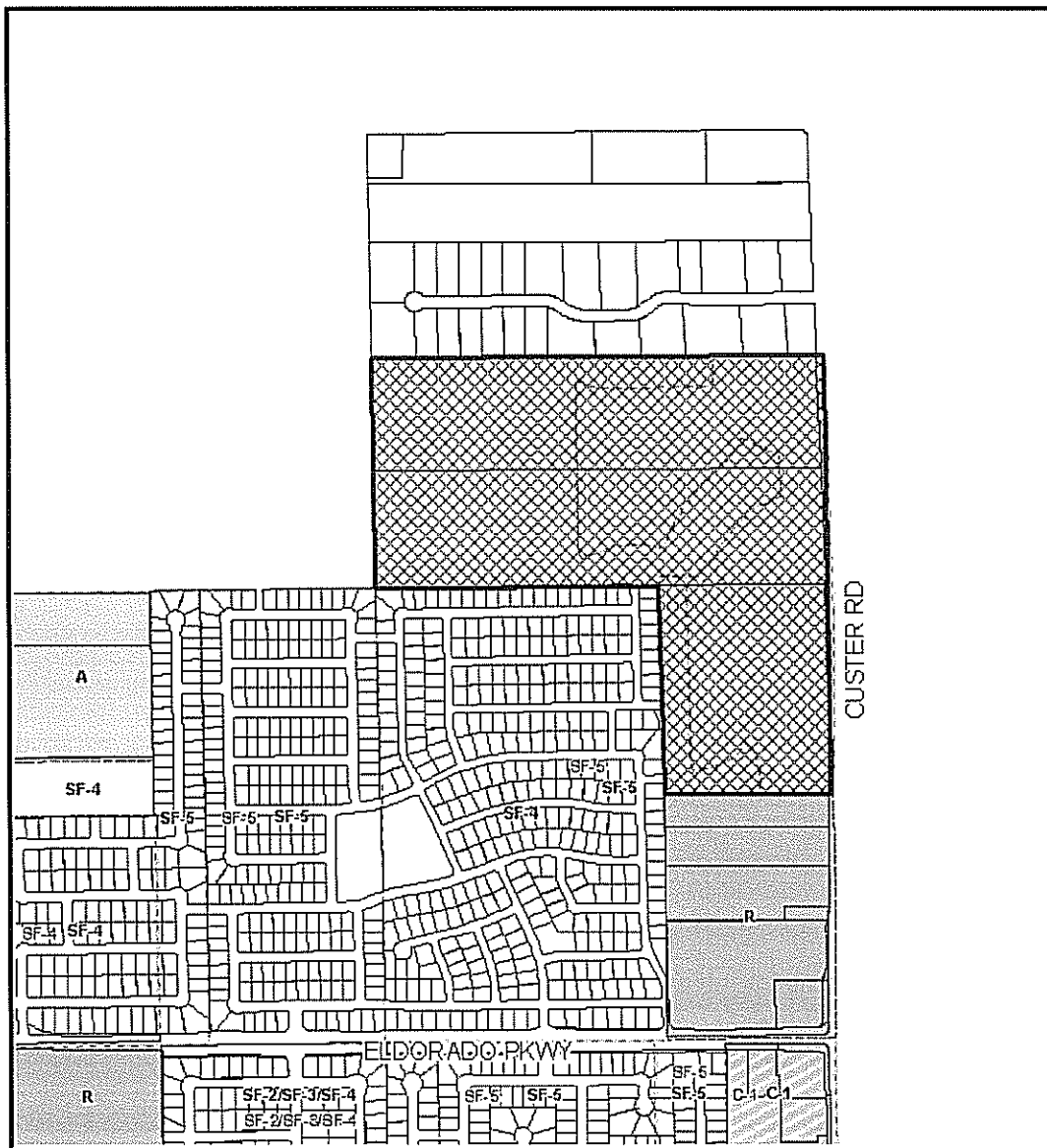
S 48 52'53" E, a distance of 14.16 feet to the beginning of a tangent curve to the right, having a radius of 205.00 feet;

Southeasterly, along said curve, having a central angle of 48 49'41", an arc distance of 174.70 feet and a chord that bears S 24 28'02" E, 169.46 feet;

S 00 03'11" E, tangent to said curve, a distance of 134.74 feet to the POINT OF BEGINNING and containing 6.581 acres of land.

Z08-0017
Winding Creek Estates
A request to amend Planned Development-201

Z08-0017



Winding Creek Estates

A request to amend Planned Development-201

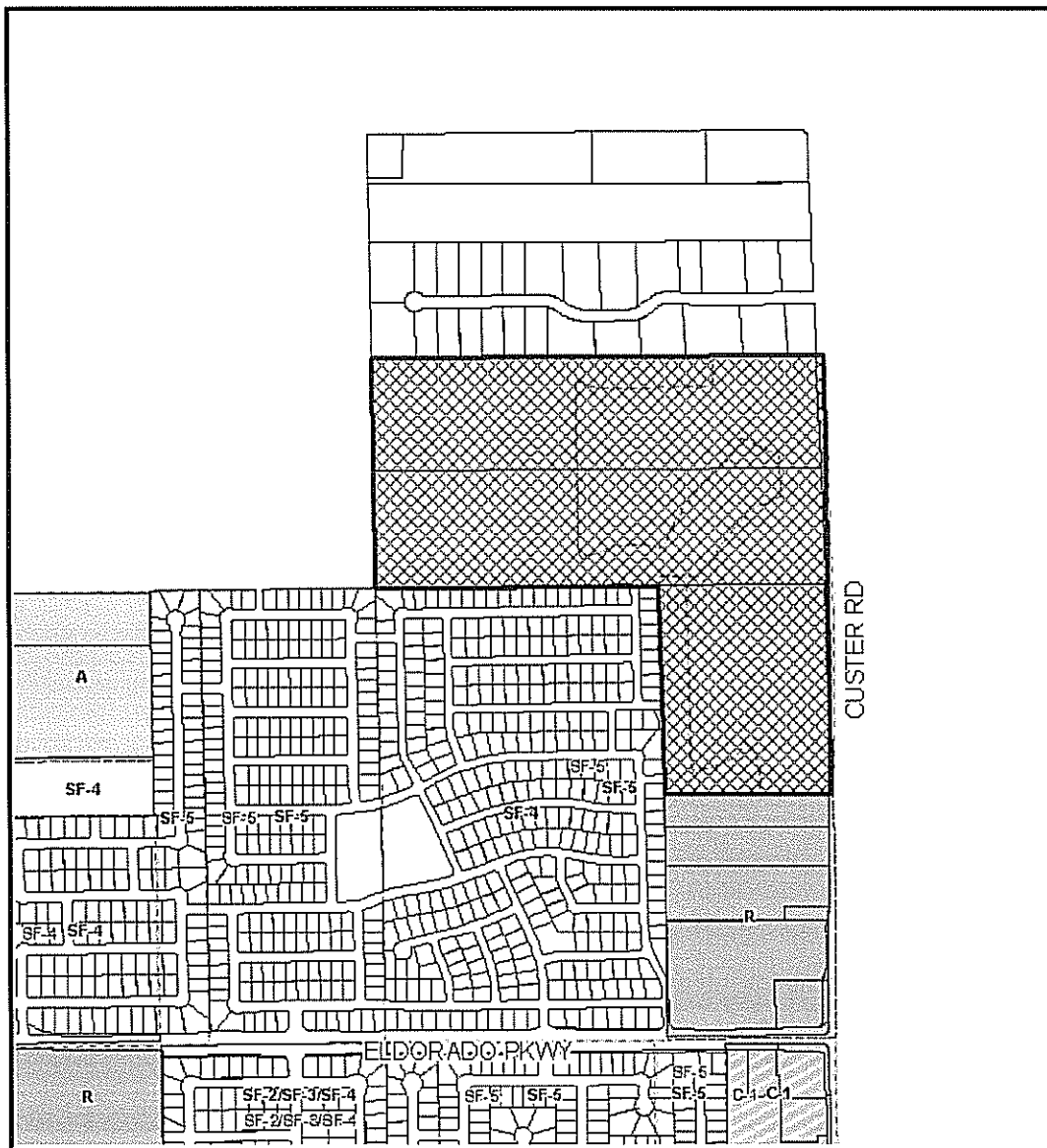


EXHIBIT "B"
STATEMENT OF INTENT AND PURPOSE

The purpose and intent of this Planned Development is to create a development, to be known as "Winding Creek Estates," that allows for the opportunity to build a quality residential environment; with a mixture of lot sizes, preservation of the "winding" Rowlett Creek drainage and the associated mature and significant trees, and other usable open space.

Winding Creek Estates will be a fully master planned residential community that integrates three varied residential lots sizes into a single neighborhood; accessed primarily from Custer Road, but also connecting to the adjacent neighborhoods to the south, as well as the future Retail and Commercial areas to the south.

These elements are planned in a way that takes advantage of the significant natural features of the site, including Rowlett Creek and the large trees along it, as it twists and turns down the Custer Road frontage acting as the development's "front door" and visual signature. From the neighborhood side, Rowlett Creek will be very accessible and visible from the streets paralleling alongside, as it frames the view of the homes fronting along those streets.

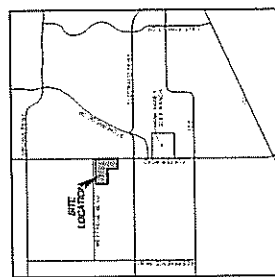
Great care has been taken to position the streets and lots to preserve as many of the existing significant trees as possible. The largest lots along the southern edge of the property are sized and placed specifically to help preserve many of those trees and allow for homes to be built between them.

The intent is to create a high-quality neighborhood that enhances the numerous natural features of the site, provides for the highest and best use of the property given it's location and access, and proves to be a valuable addition to the City of Frisco.

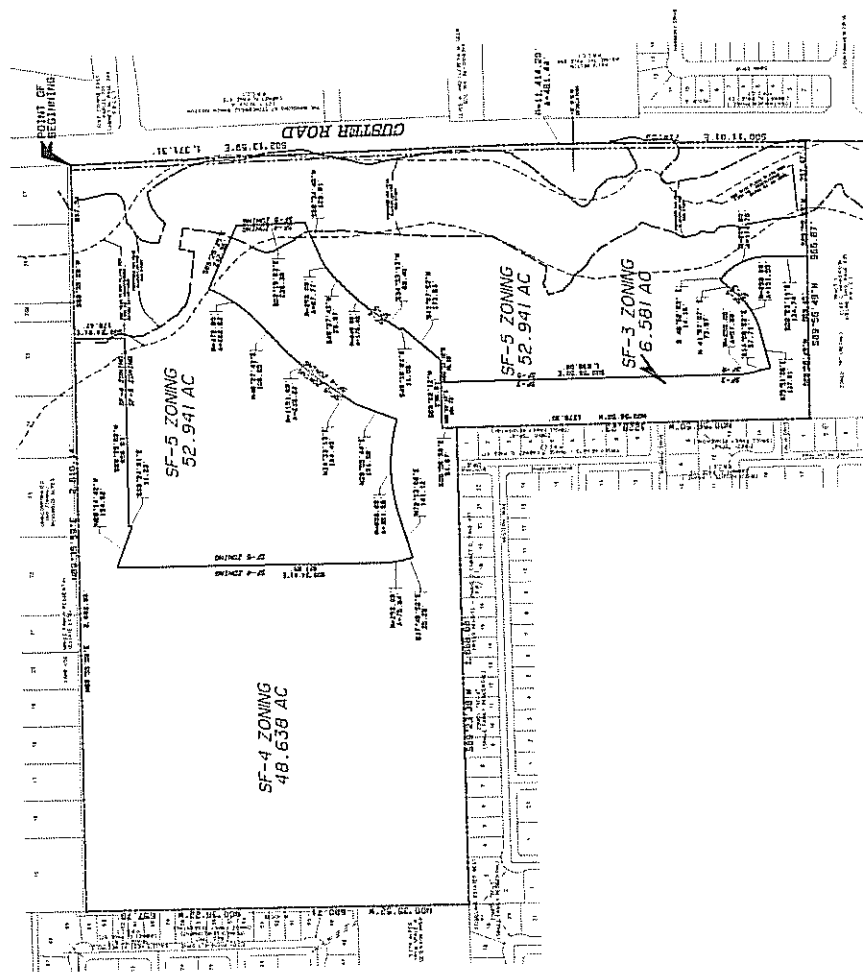
Exhibit "C"
Winding Creek Estates
Planned Development Standards

1. The maximum number of dwelling units shall be 245.
2. A minimum of 15 lots shall meet the Single Family-3 (SF-3) requirements, a minimum of 131 lots shall meet the Single Family-4 (SF-4) requirements, and no more than 106 lots shall meet the Single Family-5 (SF-5) requirements. The lots on the west side of Valley Spring Drive between Cinch Drive and Meadow Spring Drive shall develop at SF-3 lot standards and as front entry.
3. Landscaped open space shall be provided in the development. The approximate locations are shown on the attached Zoning Exhibit. These open space areas shall be a minimum of twenty five acres, including areas located along both sides of the boulevard entry, the Rowlett Creek corridor and the east-west drainage/ greenbelt (excludes parkway, easement, and right-of-way areas along roadways and for street trees).
4. The minimum front yard for all residential lots shall be twenty feet (20').
5. All streets shall consist of twenty-seven feet (27') of pavement within a sixty foot (60') right-of-way.
6. Alleys shall be built to provide garage access to all lots developed to the SF-4 and SF-5 requirements.
7. Street trees consisting of one (1) hardwood shade tree of minimum three and one-half inch (3 ½") caliper shall be planted in the parkway between the sidewalk and street at approximately thirty-five foot (35') centers along the street.
 - a) The trees shall be placed approximately seven feet (7') from the back of curb, or as directed by the Director of Engineering Services or his/her designee. These trees are in addition to the required trees per lot, as outlined in the Comprehensive Zoning Ordinance. A tree-planting plan shall be developed with the infrastructure plans to designate locations.
 - b) Street trees are required in front of all residential lots along all streets, excluding Custer Road, which shall comply to the City's Thoroughfare Screening Ordinance as it exists or may be amended. These street trees shall be excluded from medians within boulevards, landscaped islands, divided entries, and the Rowlett Creek open space areas as they are depicted on the attached Zoning Exhibit.
 - c) Unless otherwise approved by the Director of Planning & Development Services or his/her designee, the majority of the trees to be planted in the open space area(s) shall be located along the perimeter of said area.

- d) Street trees shall be installed by the homebuilder, in accordance with the above referenced tree-planting plan, prior to the issuance of a Certificate of Occupancy by the City of Frisco.
- 8. An open space buffer of twenty feet (20') shall be provided along the northern property line between the proposed eighteen foot wide alley and the common property line with Russwood Acres and shall be landscaped in accordance with the landscape plan attached hereto as Exhibit "E".
- 9. The attached Zoning Exhibit "D" shall serve as a guide to the development of the property. The ultimate layout shall be determined at the time of Preliminary Plat. Any significant changes to the layout of the subdivision shall be approved by the Director of Planning & Development Services or his/her designee. The applicant may appeal the decision made by the Director to the Planning & Zoning Commission.



LAND USE DATA SUMMARY			AGES
ESTUARINE ZONING - ENVIRONMENTAL	# OF LOT'S	AGES	AGES
	100.16		1.00
ESTUARINE ZONING - P.O. 05-07-00-05-05	100.16		20.78
25-3 THOUSAND	6.91		17.15
5-4 THOUSAND	4.50		13.33
5-3 THOUSAND	5.61		23.56
TOTAL	24		27.00
ESTUARINE ZONING - P.O. 05-07-00-05-05	100.16		27.00
25-3 THOUSAND	6.91		17.15
5-4 THOUSAND	4.50		13.33
5-3 THOUSAND	5.61		23.56
TOTAL	24		27.00

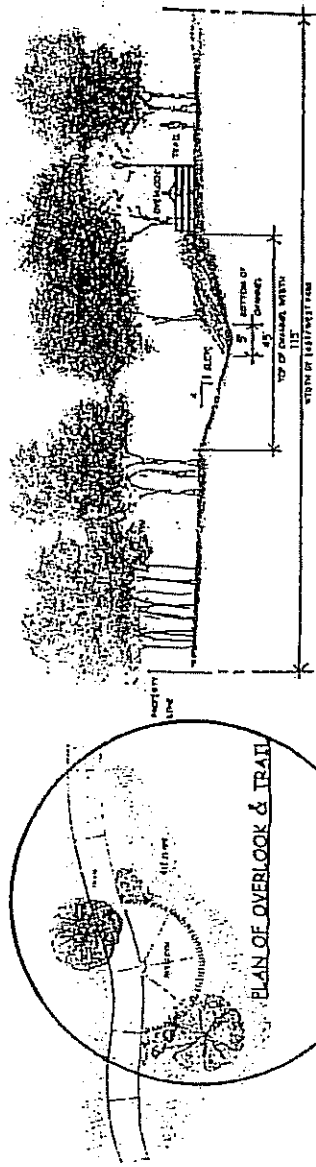


WINDING CREEK ESTATE

CITY OF FRUSCO, COLLIN COUNTY, TEXAS
MARCH, 2006
SHEET

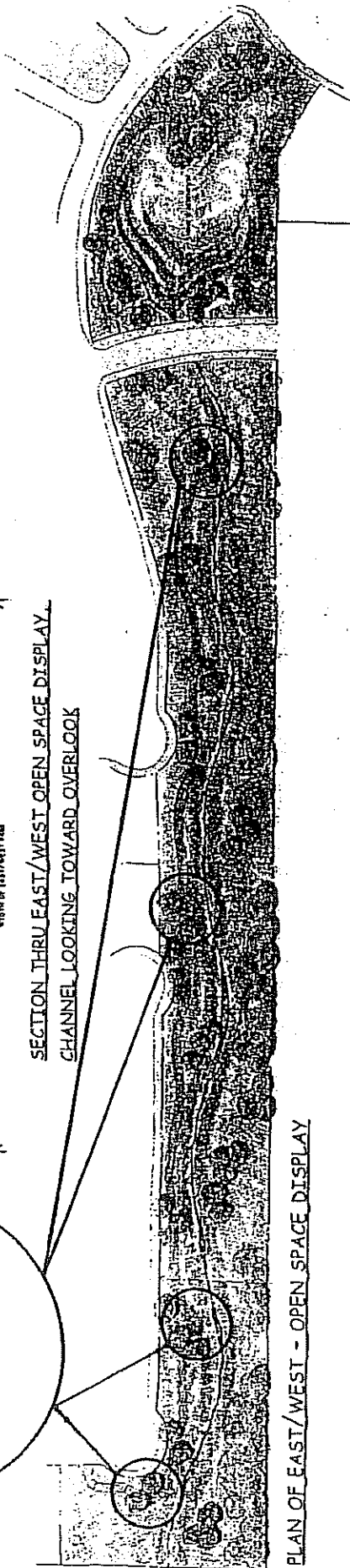
BOOKER LYING TRUST
15061 BIG HORN TRAIL
FRISCO, TEXAS 75005

LOCATION MAP
NOT TO SCALE



PLAN OF OVERLOOK & TRAIL

SECTION THRU EAST/WEST OPEN SPACE DISPLAY
CHANNEL LOOKING TOWARD OVERLOOK



PLAN OF EAST/WEST - OPEN SPACE DISPLAY

WINDING CREEK
PRISCO TEXAS

Exhibit E

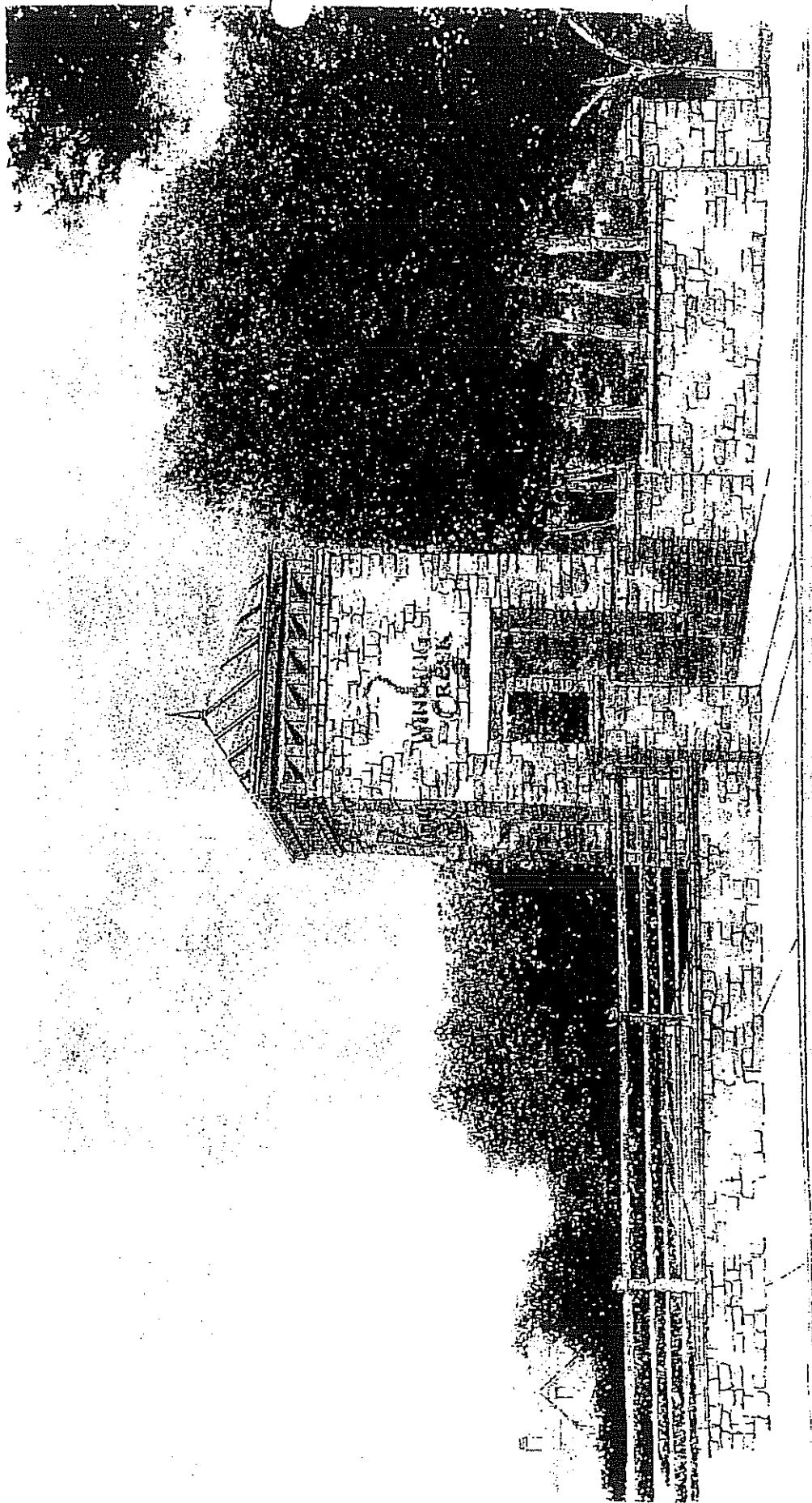
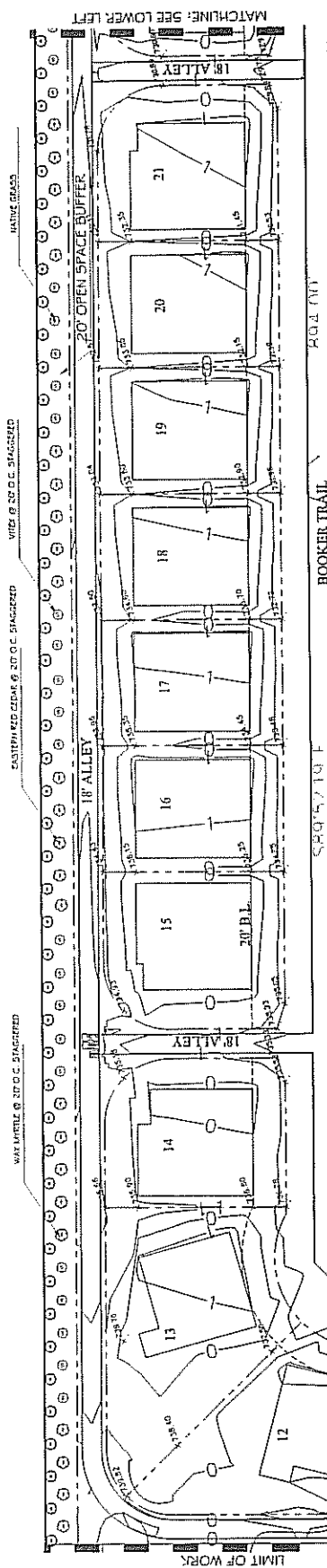
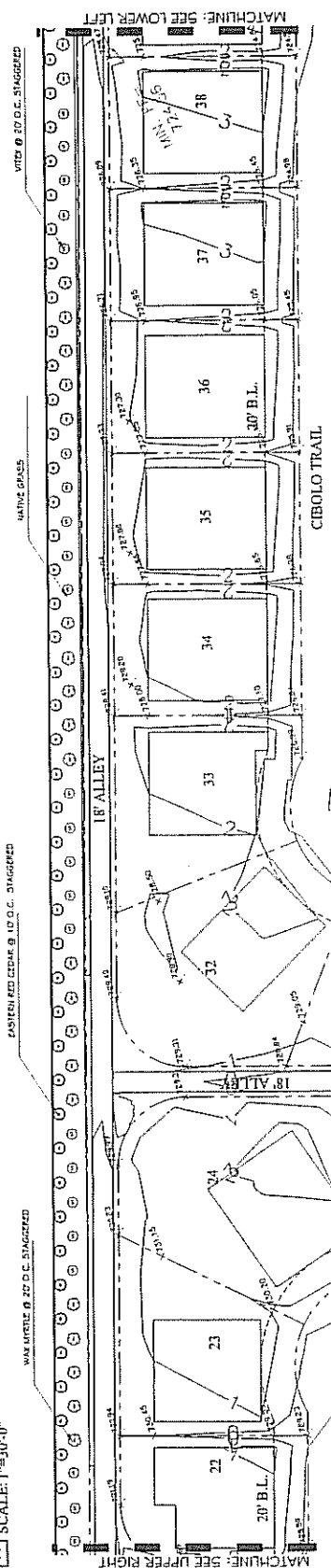


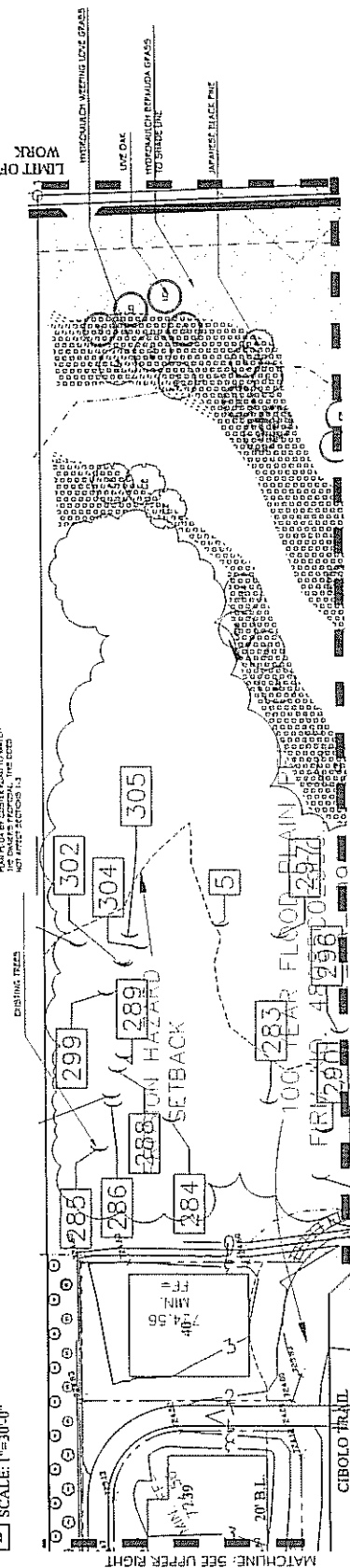
Exhibit F



NORTH BOUNDARY LANDSCAPE BUFFER



5 NORTH BOUNDARY LANDSCAPE BUFFER.



NORTH BOUNDARY LANDSCAPE RIFFER

PROJECT MATCHLINE: SEE SHEET PL-02 DETAIL A

Exhibit "G"